

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: February 20, 2020
Time: 9:30 a.m.

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In re:

Chapter 13
Case No.: 19-78474-736

THOMAS FURNARI

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge, on the 20TH day of FEBRUARY, 2020, at the United States Bankruptcy Court located at 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§ 521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to submit monthly pre-confirmation payments, failure to provide and/or file documents, failure to appear and/or be examined at §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than SEVEN (7) days prior to the return date of this motion.

Dated: Islandia, New York
January 21, 2020

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

To: *Office of the United States Trustee*
THOMAS FURNARI, Debtor(s)
JEFFREY ARLEN SPINNER, ESQ., Attorney for Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

tmm1634

Chapter 13
Case No.: 19-78474-736

THOMAS FURNARI

Debtor(s)

APPLICATION

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TO THE HONORABLE ROBERT E. GROSSMAN, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on December 13, 2020, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.
3. In addition, as of this date the debtor(s) has failed to file and/or provide paystubs for recent pay period including the sixty (60) days prior to filing; Personal State and Federal Tax Returns for 2018 and 2019; Written appraisal for property; Affidavit of Contribution from spouse totaling \$1,600.00.
4. Furthermore, as of this date the debtor has failed to provide the Trustee with all filings required under Section 521; and all mandatory disclosure documentation as set forth in Local Bankruptcy Rule 2003-1.
5. Moreover, the debtor failed to appear at the initial §341 meeting of creditors, held on January 15, 2020 at 11:00 a.m.
6. This is a material default and is prejudicial to the rights of the creditors of the debtor.

WHEREFORE, the Trustee requests for an Order pursuant to the provisions of 11 U.S.C. §§ 521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
January 21, 2020

/s/ Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

SHAMUS MROTZEK, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On January 21, 2020 deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

Thomas Furnari
36 Ecker Ave
West Babylon, NY 11704
Debtor(s)

Wilmington Savings Fund Society, FSB, dba Christiana Trust as Trustee
c/o McCabe, Weisberg & Conway, LLC
Melissa DiCerbo, Esq.
145 Huguenot Street, Suite 210
New Rochelle, New York 10801

and upon the following parties, by the e-mail address designated by said parties for that purpose;

Office of the United States Trustee
Alfonse M. D'Amato U.S. Courthouse
USTPRegion02.LI.ECF@usdoj.gov

Jeffrey Arlen Spinner, Esq.
Attorney Jeffrey Arlen Spinner
Attorney for Debtor(s)
retjcc@gmail.com

/s/Shamus Mrotzek
SHAMUS MROTZEK

Sworn to before me this
21st day of JANUARY, 2020

/s/ Janine M. Zarrilli

NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2021